Client No.: 4925-84RCE

U.S. Pat. App. Ser. No. 09/800,772
Amendment filed November 23, 2004
Reply to Office Action dated August 25, 2004

REMARKS

The Office Action mailed August 25, 2004 has been reviewed and carefully considered. Before entry of the present application, Claims 1-29 and 31-64 were pending, with Claims 1, 12, 19, 24, and 46 in independent form. In the present amendment, Claims 1, 2, 7, 12, 19, 24, 40, and 42-46 are being amended and Claims 4 and 36-37 are being canceled without prejudice. Reconsideration and withdrawal of the rejections are requested on the basis of the foregoing amendments and the following remarks.

In the Office Action dated August 25, 2004, the Examiner rejected all pending claims under 35 U.S.C. §103 as obvious over *Darling* (WO 93/23125) in view of *Bennett et al.* (US 2002/0112014). However, the currently pending claims are not obvious in light of the cited prior art.

The Examiner alleges that *Darling* discloses that "provided a standard communications protocol is employed, the present invention may be implemented to allow interactive game playing between hand held game machines manufactured by different companies". If, by this statement, the Examiner is saying that two devices using the same communication protocol will be able to communicate with each other, applicant is in no position to disagree. However, the independent claims in the present application recite that a game-related predefined message will be modified to match *the output capabilities* of the wireless terminal which will receive the game-related predefined message in order to ensure that the recipient will be able to apprehend the game-related predefined message. *Darling* neither teaches nor suggests this aspect of the invention claimed in the independent claims of the present application. Similarly, *Bennett et al.* is directed to a centralized server system which collects all messages intended for subscribers, resolves the correct routing for those messages, and reformats the messages to the appropriate format for different communication networks or platforms. Thus, *Bennet et al.* does not remedy the lacking of *Darling*, because there is

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no hint or suggestion that the transmitted messages will be matched to the output capabilities of the device which finally receives the message and is responsible for outputting it.

Furthermore, the Examiner alleges that *Darling* discloses that "the game state information of each player is stored in a database and may be transmitted to other players in the game" and that "this is a predefined message transmitted to other player [*sic*] after scanning game related events" in the game. The database in *Darling* allows the processing unit to transmit game play information to other game units during the game, i.e., the database keeps track of the actions of one player and how these actions affect the other players in the game. However, in the invention claimed in the independent claims of the present application, a predefined game-related message is presented to the user of a wireless terminal based on the state of the game, and the user selects whether or not to send the presented predefined game-related message to the user of another wireless terminal. In other words, if a particular event occurs in the game environment, a predefined message concerning such an event will be presented to the user of the wireless terminal, and the user of the wireless terminal will determine whether or not to send the message. For example, if the avatar representing player B in the game environment falls down, a predefined message concerning a player falling down (e.g., "HA-HA!" and/or "Get up!") will appear on player A's wireless terminal, and player A will have to determine whether or not to send the predefined message to the wireless terminal of player B.

There is nothing in *Darling*, *Bennett et al.*, or their combination which teaches or suggests such a system. At least on these grounds, withdrawal of the rejection of all the independent claims in the present application (i.e., Claims 1, 12, 19, and 46) is respectfully requested. Furthermore, at least because Claims 2, 3, 5-11, 13-18, 20-23, 25-29, 30-35, 38-45, and 50-64 depend from independent Claims 1, 12, 19, and 24, Claims 2, 3, 5-11, 13-18, 20-23, 25-29, 30-35, 38-45, and 50-64 are also patentable over *Darling*, *Bennett et al.*, and their combination. Withdrawal of their rejection is also respectfully requested.
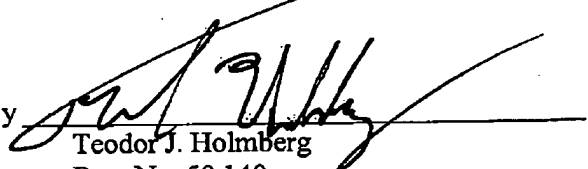
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At least on the basis of the foregoing, allowance of all pending claims is respectfully requested.

Respectfully submitted,

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